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THE
DECLARATION,

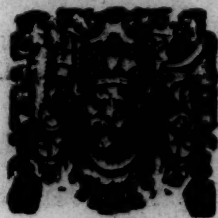
VOTES, and ORDER of
Assistance, of both Houses of
PARLIAMENT,

Concerning the Magazine at *Hull*, and
Sir John Hotham Governour thereof.

AND
His Majesties Answer thereunto.

With the Statute of 11. H. 7. cap. 1. mentioned
in the said Answer.

Published together by His Majesties Command.



LONDON:

Printed by ROBERT BARKER, Printer
to the Kings most Excellent Majesty: And
by the Assignes of JOHN BILL.

1642.

THE
DECLARATION

Votes, and Order of
Consent, of both Houses of
Parliament,

Concerning the Magazine at Hull, and
Sir John Mordaunt's Government thereof.

AND
His Majesty's Answer thereunto.

With the Statute of 11 H. 7. cap. 1. mentioned
in the said Answer.

Printed by the Stationer's Company.



LONDON:

Printed by Robert Barker, Printer
to the King's most Excellent Majesty: And
by the Stationers of London.

1642.

The Declaration, Votes and Order of Assistance of both Houses of Parliament,

Concerning the Magazine at *Hull*, and Sir
John Hotham Governour thereof.

THe Lords and Commons in Parliament, finding just cause to fear, not onely the desperate designes of Papists, and others of the malignant partie at home; but also the malice of Enemies, incited by them from abroad, Thought it necessary for the safetie of this Kingdom, to secure the Town of *Kingsdon upon Hull*, being one of the most considerable places for strength, and affording the best conveniencie for Landing of Forreign Forces; And where a great part of the Magazine of the Kingdom for that time was placed; And for that end appointed Sir *John Hotham*, one of the Members of the House of Commons, being a Gentleman of the same County, of a considerable Fortune, and approved Integrity, to take upon him the government of that Town, and to draw thither some of the Trained Bands for the Guard thereof: In which apprehension and resolution thereupon taken, they are the more confirmed by the sight of some intercepted Letters of the Lord *Digby*, (a principall person of that partie) written to the Queen and Sir *Lewis Dives*, whereby that partie discovered an endeavour to perswade His Majestie to declare Himself, and retire into some place of safetie in this Kingdom, in opposition to wayes of Accommodation with His people; And to give the better opportunity to himself, and other dangerous persons to resort thither; which could have no other end but to incline His Majestie to take Arms against His Parliament and

good Subjects, and miserably to imbroile this Kingdom in civil Wars.

About which time Captain *Legg* (a man formerly employed in the practice of bringing up the Army against the Parliament) had direction by Warrant produced by him, under the Kings hand and signe Mannall, to enter *Kingston upon Hull*, and to draw thither such of the Trained Bands as he should think fit: And that the Earl of *Newcastle* came thither in a suspicious way, and under a feigned name, and did endeavour to possesse himself of the said Town, by vertue of the like Warrant and Authoritie.

They further conceiving, that the Magazine there being of so great importance to this Kingdom, would be more secure in the Tower of *London*, did humbly Petition His Majestie to give His consent the same might be removed, which notwithstanding His Majestie did refuse; And thereupon some few ill affected persons about the Citie of *York*, took upon them the presumption, in opposition to the desires, and in contempt of both Houses, to Petition His Majestie to continue the Magazine at *Hull*, Alleadging it to be for the safetie of His Majestie (as if there could be a greater care in them of His Majesties Royall Person, then in His Parliament). And His Majestie, the next day after the delivery of that Petition, being the three and twentieth of this instant April, took occasion thereupon to go to the Town of *Hull*, attended with about four hundred Horse, (the Duke of *York*, and the Prince *Elektor* being gone thither the day before) and required Sir *John Hatham* to deliver up the Town into His hands: Who perceiving His Majestie to be accompanied with such Force as might have mastered the Garrison of the Town; And having received intelligence of an intention to deprive him of His life, in case the King should be admitted, informed His Majestie of the trust reposed in him by both Houses of Parliament, and that he could not without breach of that trust let Him in; beseeching His Majestie to give him leave to send to the Parliament, to acquaint them with His Majesties commands, and to receive their directions thereupon, which he would do with all expedition. Which Answer His Majestie was not pleased

sed to accept of; but presently caused him and his Officers to be proclaimed Traitors before the Walls of the Town, and there-upon dispatched a Message to both Houses, therein charging Sir *John Hotham* with high Treason, and aggravating his offence, because he pretended the Parliaments command; (In the mean while hindering him of all means of intelligence with the Parliament) For His Majestie immediately caused all Passages to be stopped between him and them; And in pursuance of the same, one of his servants, who was sent by him with Letters to the Parliament, to inform them of the truth of those proceedings, was apprehended, his Letters taken from him, and his person detained, whereby (contrary to the common libertie of every Subject) he was not onely deprived of means to clear himself of that heavie Accusation, but of all wayes of intercourse, either to receive directions from them that trusted him, or to inform them what had happened.

The Lords and Commons finding the said proceedings to be a high violation of the Priviledges of Parliament, of which His Majestie had in severall Messages expressed himself to be so tender; A great Infringement of the Libertie of the Subject, and the Law of the Land, which His Majestie had so often lately professed should be the rule to govern by, and tending to the endangering of his Majesties Person and the Kingdoms peace; Thought fit, as well for the vindication of their own Rights and Priviledges, the Indemnity of that worthy person employed by them, as for the clearing of their own proceedings, to publish these ensuing Votes, which were made upon a former relation that came from the King.

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Die Jovis 28. April. 1642.

Resolved upon the question.

That Sir *John Hotham* Knight, according to this relation, hath done nothing but in Obedience to the Command of both Houses of Parliament.

Resolved, &c. That this declaring of Sir *John Hotham* Traitor, being a Member of the House of Commons, is a high breach of the Priviledge of Parliament.

Resolved, &c. That this Declaring of Sir *John Hotham* Traitor without due processe of Law, is against the Libertie of the Subject, and against the Law of the Land.



¶ The Order of Assistance given to the Committees of both Houses, concerning their going to Hull. April. 28. 1642.



Hereas the Earl of *Stamford*, the Lord *Willoughby* of *Parham*, Sir *Edward Ayscoghe*, Sir *Christopher Wray*, Sir *Samuel Owfield*, and Master *Hatcher*, are by the Lords and Commons in Parliament assembled, commanded to make their repair into the Counties of *Torke* and *Lincolne*, and the Town of *Kingstone* upon *Hull*, for speciall Service for His Majestie, and the Peace and Safetie of the Kingdom, and accordingly have received particular Instructions for their better direction therein; These are to require all Lords Lieutenants, and their Deputies, Sheriffs, Iustices of the Peace, Majors, Bailiffs, Constables, and all other His Majesties Officers and loving Subjects, to be aiding and assisting unto them upon all occasions, as need shall require.

¶ His



His Majesties Answer

To the Declaration of both Houses of
Parliament concerning *Hull*, sent

May 4. 1642.

SINCE Our Gracious Mes-
sage of the 24. of April last
to both Houses of Parlia-
ment (demanding Justice
for the high, and unheard-of
Affront offered unto Us at the Gates
of Hull, by Sir John Hotham) is not
thought worthy of an Answer; but
that instead thereof they have thought
fit by their printed Votes of the 28. of
April last, to own and avow that un-
paralleled Act of Sir John Hothams, to
be done in obedience to the Command of
both Houses of Parliament (though at
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that time he could produce no such Command) and With other Resolutions, against Our Proceedings there, to publish a Declaration concerning that businesse, as an appeal to the People, and as if their intercourse With Us, and for Our satisfaction Were now to no more purpose, though we knew this course of theirs to be very unagreeable to the Modestie & Dutie of former times, and unwarrantable by any Precedents, but what themselves have made; yet we are not unwilling to joyn issue with them in this way, and to let all the world know, how necessary, just, and lawfull all Our Proceedings have been in this Point, and that the defence of these Proceedings, is, The defence of the Law of the Land, Of the Libertie and Propertie of the Subject, and that by the same Rule of Justice, which is now offered to Us, all the private Interest and Title of all Our good Subjects to all their Lands and Goods are confounded and destroyed. Master Pym himself tells you, in his Speech against the

the Earle of Strafford (published by the
Order of the house of Commons) The
Law is the safeguard ; The Custodie of all pri-
vate Interests ; your Honours , your Lives,
your Liberties, and Estates are all in the keeping
of the Law ; without this , every man hath a like
right to any thing . And we would fain be
answered , what Title any Subject of
Our Kingdom hath to his House or
Land, that we have not to Our Town
of Hull ? Or what right hath he to his
Money, Plate, or Jewels, that we have
not to Our Magazine or Munition
there : If we had ever such a Title, we
would know when we lost it : And if
that Magazine and Munition (bought
with Our own Money) were ever Ours,
when, and how that Propertie went out
of Us : we very well know the great
and unlimited Power of a Parliament ;
but we know as well , that it is onely in
that sense , as we are a part of that
Parliament. without Us , and a-
gainst Our consent , the Votes of ei-
ther, or both Houses together, must not,
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cannot, shall not (if we can help it, for Our Subjects sake, as well as Our own) forbid any thing that is enjoyned by the Law, or enjoyn any thing that is forbidden by the Law, but in any such alteration which may be for the Peace and happinesse of the Kingdom, we have not, shall not refuse to consent: and we doubt not but that all Our good Subjects will easily discern in what a miserable insecurity and confusion they must necessarily and inevitably be, if Descents may be altered, Purchases avoided, Assurances and Conveyances cancelled, the Sovereign Legall Authority despised and resisted by Votes or Orders of either, or both Houses: And this we are sure is Our case at Hull; And as it is Ours to day, by the same rule it may be theirs to morrow.

Against any desperate designs of the Papists, we have sufficiently expressed Our zeal and intentions, and shall be as forward to adventure Our own Life and Fortune to oppose any such Designs,

signes, as the meanest Subject in Our Kingdom.

For the Malignant Party, as the Law hath not to Our knowledge defined their condition, so hath neither House presented them to Us, under such a Notion as we may well understand Whom they intend, and we shall therefore onely enquire after, and avoid the Malignant Party under the Character of persons disaffected to the Peace and Government of the Kingdom, and such (who neglecting and despising the Law of the Land) have given themselves other Rules to walk by, and so dispensed with their Obedience to Authority: Of these persons (as destructive to the Common Wealth) we shall take all possible Caution.

Why any Letters intercepted from the Lord Digby (Wherein he mentions a Retreat to a place of Safety) should hinder Us from visiting Our own Fort, and how we have opposed any Wayes of Accommodation with Our Parliament, and what Wayes and Overtures have been.

been offered in any way, or like any desire of such Accommodation, or whether Our Message of the 20. of January last (so often in vain pressed by Us) have not sufficiently expressed Our earnest desire of it, let all the World judge: Neither is it in the power of any persons to encline Us to take Arms against Our Parliament, and Our good Subjects, and miserably to imbroil this Kingdom in Civil Wars. We have given sufficient evidence to the World how much Our Affections abhor, and Our heart bleeds at the apprehension of a Civil War; And let God and the World judge if Our Care and Industry be onely to defend and protect The Libertie of the Subject, The Law of the Kingdom, Our own just Rights (part of that Law) and Our Honour (much more precious then Our Life) and if in opposition to these any Civil Wars shall arise, upon whose Account the Blood and destruction that must follow must be cast: God, and Our own conscience tells Us that we are clear.

For Captain Leggs being sent heretofore to Hull, (though by the way, this is the first time we ever heard that he was accused for the practice of bringing up the Army against the Parliament, neither do we yet know that there is such a charge against him) or for the Earl of Newcastle being sent thither by Our Warrant and Authority, we asked a Question long ago in Our Answer to both Houses concerning the Magazine at Hull, which we have cause to think is not easie to be answered: why the generall rumour of the designe of Papists in the northern parts, should not be thought sufficient ground for Us to put in such a person of Honour, Fortune, and unblemished Reputation (as the Earl of Newcastle is known to be) into a Town and Fort of Our own, where Our own Magazine lay; And yet the same rumour be Warrant enough to commit the same Town and Fort without Our consent to the hands of Sir John Hotham, with such a Power as is now too well known

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and understood. Now Our refusall to have that Magazine removed upon the Petition of both Houses, could give an advantage against Us to have it taken from Us; And whether it was a refusall, all men will easily understand who read Our Answer to that Petition, to which it hath not been yet thought fit to make any Reply.

For the Condition of those persons who presented the Petition to Us at York, (Whom that Declaration calls, Some few ill affected persons about the Citie of York) to continue the Magazine at Hull, we make no doubt but that Petition will appear to be attested both in number and weight, by persons of Honour and Integrity, and much more conberlant with the Affections of the whole County, then most of those Petitions which have been received with so much Consent and Approbation: And for their presumption of interposing their advice, we the more wonder at that Exception, when such encouragement hath been given, and
thanks.

thanks declared to multitudes of mean, unknown People, Apprentices and Porters, who have accompanied Petitions of very strange natures.

For the manner of Our going to Hull, we have clearly set forth the same in Our Message to both Houses of that Businesse; And for any intelligence given to Sir Iohn Hotham of an Intention to deprive him of his life; as we know there was no such Intention in Us, having given him all possible assurance of the same at Our being there; so we are confident no such intelligence was given; Or if it were, it was by some villaine, who had nothing but malice, or designe to fright him from his due Obedience, to warrant him. And Sir Iohn Hotham had all the reason to assure himself, that his life would be in much more danger by refusing to admit his King into his own Town and Fort, then by yielding him that Obedience, which he owed by his Oathes of Allegiance and Supremacie, and the Protestation, and he well knew

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was due and warrantable by the Lawes of the Land.

For the number of Our Attendants (though that could be no Warrant for such a disobedience in a Subject) it is well known (as we expressed in Our Message to both Houses, to which credit ought to have bin given) that we offered to go into the Town with twenty horse onely; Our whole Train being unarmed: And who-soever thinks that too great an attendance for Our Self, and Our two Sons, have sure an Intention to bring Us to a meaner Retinue then they yet will allow.

Here is then Our Case (of which let all the World judge) we endeavoured to visit a Town and Fort of Our own, wherein Our own Magazin lay, a Subject in Defiance of Us shuts the Gates against Us, with armed men resists, denies and opposes Our Entrance, tels Us in plain terms, we shall not come in. We do not pretend to understand much Law, yet in the point of Treason, we have had much Learning taught Us
this

this Parliament, and if the sense of the Statute 25.E.3.cap.2. be not very differing from the Letter, Sir John Hothams Act was no lesse then plain high Treason: And we had been contemptibly stupid, if we had (after all those circumstances of Grace and Favour then shewed him) made any scruple to proclaime him Traitor: And whether he be so or no, if he shall render himself, we will require no other Triall, then that which the Law hath appointed to every Subject, and which we are confident we have not (in the least degree) in those proceedings violated, no more then we have done the Priviledge of Parliament by endeavouring in a just way to challenge Our owne unquestionable Priviledges: for that in such a case, the declaring him Traitor, being a Member of the House of Commons, without Processe of Law, should be a breach of Priviledge of Parliament (of which we are sure none extends to Treason, Felonie, or breach of the Peace)

against the Liberty of the Subject, or against the Law of the Land, we must have other Reasons then bare Votes.

we would know if Sir John Hotham had (With those Forces by which he kept Us out of Our Town of Hull) pursued Us to the gates of York (which he might as legally have done) must we have staid from declaring him Traitor, till processe of Law might have issued against him: will feares and jealousies dispense with reall and necessary formes, and must we when actuall war is leavied upon Us, observe forms, which the Law it self doth not enioyne: The cause is truely stated, let all the World judge (unlesse the meer Sitting of a Parliament doth suspend all Lawes, and we are the onely Person in England against whom Treason cannot be committed) where the fault is: And whatsoever Course we shall be driven to for the Vindication of this Our Priviledge, and for the Recovery and maintenance of Our known and undoubted

doubted Rights, we do promise in the presence of Almighty God, and as we hope for h's blessing in Our successe, that we will to the utmost of Our Powers defend and maintain the true protestant Profession, the Law of the Land, the Liberty of the Subject, and the just Priviledge and freedome of Parliament.

For the Order of Assistance given to the Committees of both Houses, concerning their going to Hull, we shall say no more, but that those persons named in that Order, we presume will give no Commands, or Our good Subjects obey other, then what are Warranted by the Law (how large and unlimited soever the directions are, or the Instructions may be) for to that rule we shall apply Our own Actions, and by it require an account from other men. And that all Our good Subjects may the better know their dutie in matters of this nature, we wish them carefully to peruse the Statute in the 11th yeer of H. 7. Chap. 1.

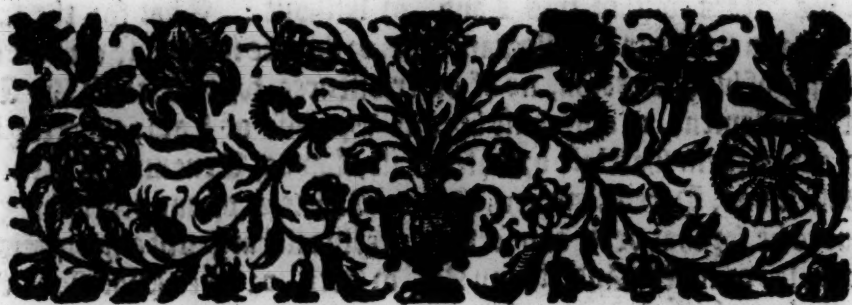
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**we conclude With Master Pym's own
Words : If the Prerogative of the King over-
whelm the liberty of the People, it will be turned
to Tyranny ; If Liberty undermine the Preroga-
tive, it will grow into Anarchy, And so we
say into Confusion.**

FINIS.





Anno 11^o Hen. 7. Cap. 1.

None that shall attend upon the King and do him true Service shall be attained, or forfeit any thing.

The King our Sovereign Lord calling to his remembrance the dutie of allegiance of his Subjects of this his Realm, and that they by reason of the same are bound to serve their Prince and Sovereign Lord, for the time being in his wars, for the defence of him and the Land, against every Rebellion, power, and might, reared against him, and with him to enter and abide in service in battell, if case so require, and that for the same service, what fortune ever fall by chance in the same battell, against the minde and will of the Prince (as in this land sometime passed hath been seen) that it is not reasonable but against all Laws, reason, and good conscience, that the said Subjects going with their Sovereign Lord in wars, attending upon him in his person, or being in other places by his commandment within this land or without, any thing should lose or forfeit for doing their true dutie and service of allegiance.

It be therefore Ordained, Enacted, and Established by the King our Sovereign Lord, by the advice and assent of the Lords Spirituall, and Temporall, and the Commons in this present Parliament assembled, and by Authority of the same, That from henceforth no manner of person, or persons whatsoever he or they be, that attend upon the King, and Sovereign Lord of this Land for the time being, in his person, and do him true and faithfull service of Allegiance in the same, or be in other places by his Commandment

in his Wars, within this Land, or without: That for the said
 deed, and true duty of Allegiance, he, or they be in no wise convict or
 accused of high Treason, ne of other offences for that cause, by Act
 of Parliament, or otherwise by any Procelle of Law, whereby he
 or any of them shall lose or forfeit Life, Lands, Tenements, Rents,
 Possessions, Hereditaments, Goods, Chattels, or any other things:
 but to be for that deed and service utterly discharged of any vexation,
 trouble, or loss. And if any Act, or Acts, or other Procelle of the
 Law hereafter thereupon for the same happen to be made contrary
 to this Ordinance, that then that Act, or Acts, or other Procelle of
 the Law, whatsoever they shall be, stand and be utterly voyde.
 Provided alway, that no person, or persons shall take any benefit,
 or advantage by this Act, which shall hereafter decline from his, or
 their said Allegiance,

FINIS.

